



Appl. No. 10/004,432
Amdt. dated September 12, 2005
Reply to Office action of May 11, 2005

AF/1648
ZEW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Honorable Commissioner for Patents
Alexandria, VA 22313
Mail Stop Non-Fee Amendment

SUPPLEMENTAL RESPONSE TO OFFICE ACTION AFTER FINAL

Subsequent to the filing of a Response after Final on September 2, 2005, Applicant requested a telephone interview with Examiner Scheiner, but to find out that she already left the PTO. Examiner Shanon Foley, who replaced Examiner Scheiner, graciously agreed to grant the interview on a short time notice. Applicant thanks Examiner Foley for the prompt assistance.

The interview took place on September 8, 2005, a constructive agreement was reached, in which Examiner Foley indicated that the case should be in condition for allowance should Applicant file a supplement response to further distinguish the claimed invention from Vakharia et al., U.S. 6,274,147. In light of Examiner Foley's constructive suggestions, Applicant hereby files this Supplemental Response as follows:

In the Office action dated May 11, 2004, claims 1, 3-5, 8, 10-14, 17 and 18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,274,147 to Vakharia et al. (hereinafter “Vakharia”). Specifically, the Examiner argued that Vakharia et al. teach both live,

non-pathogenic infectious pancreatic necrosis virus (IPNV) vaccines and inactivated IPNV vaccines.

Applicant incorporates by reference her remarks and argument in the Response after Final filed on September 2, 2005.

Additionally, Applicant disagrees with the Examiner's argument that Vakharia et al. teach live, non-pathogenic IPNV vaccines and inactivated IPNV vaccines. However, Vakharia et al. do not disclose a regular live, non-pathogenic or inactivated IPNV. Rather, the patent disclosed a recombinant IPNV using IPNV genome segments A and B, and more specially, an NS protein deficient IPNV by modifying segment A of the genome to prevent the expression of NS protein. *See, e.g.*, abstract and claims of Vakharia et al. Thus, Applicant's claimed invention is distinctively different from that described in Vakharia.

In view of the foregoing, the objection and rejections have been overcome and the claims are in condition for allowance, early notice of which is requested. Should the application not be passed for issuance, the examiner is requested to contact the applicant's attorney to resolve the problem.

Respectfully submitted,



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